

May 15, 2023
AD – 44
Ct. 34
SG

CRR 1497 of 2017

*Promod Agarwal @ Pramod Kumar Agarwal
-versus-
The State of West Bengal and another*

*In Re. An application under Section 482 of the
Code of Criminal Procedure read with
Article 227 of the Constitution of India.*

Mr. Ranajit Roy

... for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... for the State.

Ms. Sreyashee Biswas
Mr. Gautam Dinda
Ms. Puja Goswami
Mr. Anindya Sundar Chatterjee

... for the KMC.

The present revisional application has been preferred challenging the judgment and order dated 30.03.2021 passed by the learned Municipal Magistrate, 2nd court, Calcutta in connection with Jorasanko Police Station Case No.390 dated 05.08.2017 under Section 401A of KMC Act.

By the said judgment, the learned Municipal Magistrate was pleased to convict the present petitioner under Section 392 of Cr.P.C.

By the earlier order dated 26.04.2023 the State was directed to effect service accordingly.

Mr. Banerjee, learned advocate for the State has submitted a report. The same be kept with the record.

Pursuant to the steps taken on behalf of the State, the petitioner is represented by Mr. Roy, learned advocate.

Learned advocate for the petitioner submits that he has instruction that the fine amount has already been paid and the other directions of the learned Municipal Magistrate have been complied with.

A photocopy of the receipt submitted by learned advocate for the petitioner be kept with the record.

Ms. Biswas, learned advocate for the KMC submits that the subject matter of challenge should have been before the appropriate forum being the Sessions Judge-in-Charge of the jurisdictional court.

Having considered the submissions advanced by learned advocates for the petitioner, the State as well as the KMC, I am of the view that the petitioner approached the wrong forum and it was incumbent upon the petitioner to prefer an appeal before the learned Chief Judge, City Sessions Court, Calcutta.

In view of the aforesaid observations, CRR 1497 of 2021 is disposed of.

The petitioner would be at liberty to approach the appropriate forum by invoking the proposition of law.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

